

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1201 SPR



Project Name: AUTOZONE #4106 SITE PLAN

Case Number: PSR2009-00033; SEP2009-00076

Location: 9512 NE Highway 99

Request: The applicant is proposing to construct a 6,816 square foot auto parts store on approximately .81 acres located in a C-3 zoning district.

Applicant: AutoZone, Inc.
Mitch Bramlitt
123 South Front Street
Memphis, TN 38103

Contact Person: J-U-B Engineers
Paul Anderson
2810 W. Clearwater Avenue
Kennewick, WA 99336
(509) 783-2144
panderson@jub.com

Property Owner: Winco Foods, LLC
650 N. Armstrong Place
Boise, ID 83704

DECISION

Approve subject to Conditions

Team Leader's Initials: ATZ **Date Issued:** December 30, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
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Engineer: (Trans. Concurrency)	David Jardin	4354	david.jardin@clark.wa.gov
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Engineering Supervisor: (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Building and Safety:	David Maret	4091	dave.maret@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: Community Commercial

Parcel Number: Lot 50 (144976) located in the Northwest quarter of Section 2; Township 2 North; Range 1 East of the Willamette Meridian.

Applicable Laws:

40.200 (General Provisions); 40.230.010 (Commercial Districts); 40.320.010 (Landscaping and Screening); 40.340.010 (Parking and Loading); 40.350.010 (Pedestrian/Bicycle Circulation Standards); 40.350.020 (Transportation Concurrency); 40.350 (Street and Road Standards); 40.360 (Solid Waste and Recycling); 40.370.010 (Sewer Regulations); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500 (Procedures); 40.510.020 (Type II Process); 40.520.040 (Site Plan Review); 40.570 (SEPA); 40.610 and 40.620 (Impact Fees); Title 14 (Buildings and Structures) and Title 15 (Fire Code).

Neighborhood Association/Contact:

NE Hazel Dell Neighborhood Association
Bud Van Cleve, President
1407 NE 68th Street
Vancouver, WA 98665,
(360) 695-1466
E-mail to Bud Van Cleve: BSVANC@aol.com
E-mail to Doug Ballou: dballou@pacifier.com

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on June 4, 2009. The pre-application was determined not contingently vested. The fully complete application was submitted on September 24, 2009 and determined to be fully complete on October 8, 2009. Given these facts the application is vested on September 24, 2009. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on October 8, 2009. The application was placed on hold when the fully complete copies were not submitted in a timely manner; thereby extending the deadline by 5 days. Therefore, the County Code requirement for issuing a decision within 78 days lapses on December 30, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on January 13, 2010.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, NE Hazel Dell Neighborhood Association, and property owners within 300feet of the site on April 22, 2009.

Public Comments:

The following written comments were received in response to public notice:

1. A letter, dated October 21, 2009, was received from Southwest Clean Air Agency (SWCCA) [Exhibit 7]. This written correspondence identifies the following agency requirements:
 - a. Asbestos inspection and abatement regulations apply to demolition of existing structures on the site. The applicable requirements and procedures to follow if an inspection reveals the presence of asbestos are also cited.

Staff Response

There are no structures currently on the site.

- b. Construction activities have the potential to generate dust nuisances related to the movement of equipment and material handling operations. All parties involved with the project are required to minimize dust through preventative

measures, and that violations can result in penalties being assessed against the property owner or project operator.

Staff Response

Compliance with Clark County's Stormwater and Erosion Control Ordinance will mitigate or prevent impacts from dust.

- c. SWCCA regulates the installation and/or modification of any building, structure, or facility that emits or may emit an air contaminant. If the application includes any new or modified air pollutant sources, an Air Discharge Permit may be required.

Staff Response

The applicant has been provided with a copy of the letter from SWCCA, and is separately responsible for complying with state and federal regulations should project activities create a new or increased source of air contaminants.

2. An email was received on October 23, 2009 from Heather Kandoll of C-Tran [Exhibit 8]. It notes that C-Tran has a bus shelter adjacent to the subject property, and would prefer not to move it or have it obstructed.

Staff Response

This existing transit shelter will not be affected by the proposed development.

3. The Washington Department of Ecology (DOE) submitted a letter, dated October 19, 2009 [Exhibit 12]. It notes:
 - a. There is a known contaminated site within a half-mile radius of the proposed development site, and advises that "if environmental contamination is discovered on the site it must be reported to Ecology's Southwest Regional Office."

Staff Response

The applicant has been provided with a copy of the DOE letter, and is separately responsible for compliance with all state and federal regulations. An advisory condition will be imposed requiring the developers to be alert for contamination during construction, and to notify the Department of Ecology if contamination is discovered.

- b. Any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. "Erosion control measures must be in place prior to any clearing, grading or construction" on site and identifies several preventative measures to be taken to ensure such discharge does not occur."

Staff Response

An erosion and dust control plan is required by County Code. Construction activities will be monitored by inspection staff to ensure compliance with the approved plan.

4. On November 2, 2009, a letter was received from John Meninick, Confederated Tribes and Bands of Yakima. It cites the applicability of RCW 27.53 for the protection of archaeological and cultural resources, and indicates this statute should be included in the public notice under applicable code sections. The letter expresses concern for any cultural or archaeological resources that may be located in the development area.

Staff Response

This site was originally paved in 1993 as parking for a grocery store located on an adjacent parcel (*SPR93015*). It was then redeveloped into a 6 pump fueling facility in 2002 (*CUP2001-00006*). It was determined with these previous land use approvals that no archaeological work was necessary. Even so, a note will be placed on the final site plan directing that, if any cultural resources are found, work shall be stopped and both Department of Archaeology and Historic Preservation and Clark County be notified will be required as a condition of approval. Said note is a standard condition for all site plans.

Project Overview

The subject property is located on the west side of NE Highway 99, approximately 360 feet south of NE 99th Street. The .81 acre parcel was initially paved to be used as parking area for Cub Foods (Winco), and then was redeveloped with a 6 pump fueling facility in 2002. The fueling facility was removed in 2008 (*DMO2007-00156*). The lot is currently vacant.

The proposed plan [*Exhibit 2, SheetC21*] calls for construction of a single story automotive parts store containing 6,816 square feet. Access to the development will be via existing driveways serving Winco grocery store.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Community Commercial	C-3	Vacant
North	Community Commercial	C-3	Driveway for Winco grocery store
East	General Commercial	GC	Retail uses
South	Community Commercial	C-3	Driveway for Winco grocery store
West	Community Commercial	C-3	Winco grocery store

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Zoning

The proposed development site is located within a C-3 (Community Commercial) zone designation. Per Table 40.230.010-1, single purpose/specialty retailers with less than 10,000 square feet of gross floor area are identified as a permitted use within this zone, subject to site plan review.

Finding 2 – Off-street Parking

Table 40.340.010-4 is used to determine the minimum number of parking spaces required for this development. For commercial retail stores, the rate is 1 space per 350 square feet of gross floor area (note: the area shall be the gross floor area within the exterior walls of the structure).

Based on the above formula, a 6,816 square foot retail building requires 20 parking spaces. The preliminary plan [*Exhibit 2, Sheet C2A*] shows 37 parking spaces.

Accessible parking spaces shall be provided in compliance with the Americans with Disability Act (ADA). Based on the above number of parking stalls, two (2) spaces shall be designated as handicap accessible with one space being van accessible. The preliminary plan demonstrates compliance with this standard.

In accordance with 40.340.010(B)(5), up to thirty percent (30%) of required parking spaces, and all parking spaces in excess of minimum requirements, may comply with the standards for compact cars in Table 40.340.010-5. Per this formula, 23 compact parking spaces are allowed. The preliminary site plan designates 8 spaces as being reserved for compact vehicles.

Finding 3 – Loading Spaces

In accordance with CCC 40.340.010(D)(1), one loading space is required. Said space shall be 55 long, 12 feet wide, and have 14 feet of height clearance. The plan shows the prerequisite loading space.

Finding 4 – Landscaping

CCC 40.230.010(D)(3) requires that a minimum of fifteen percent (15%) of the site shall be landscaped. The submitted landscape plan [*Exhibit 2, Sheet C3*] indicates twenty-seven percent (27%) of the site is devoted to landscaping.

CCC 40.320.010(D)(2) specifies that rooftop and ground-level exterior equipment shall be screened from an abutting property or public road right-of-way to at least an F2 or L3 standards if visible at grade from the property or right-of-way. The submitted building elevations [*Exhibit 2, Sheet A2*] do not show any roof equipment but it is unknown at this time whether or not there will be any ground equipment associated with proposed project. A condition will, therefore, be imposed to ensure all exterior equipment is screened to meet this requirement (*See Condition A-2-a*).

Parking areas that contain at least seven (7) spaces shall contain landscape islands equally distributed at a ratio of one (1) island for every seven (7) parking spaces. A landscape island shall contain at least twenty-five (25) square feet, shall be at least four (4) feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb. There shall be at least one tree planted in each island.

Based on the number of parking spaces being provided for the development, five (5) landscape islands are required. Although more than the required number of parking islands is shown on the proposed plan, it is not clear that each island contains the prerequisite tree. This requirement will be placed as a condition to ensure compliance with this standard (*See Condition A-2-b*).

Per CCC 40.230.010(D)(5)(b), landscaping is required along the side of all buildings where primary pedestrian access is provided. Minimum requirements shall be trees, of a suitable species according to Section 40.320.010, provided every 30 feet on center planted in a landscaped strip or tree wells along the length of the building. The landscape plan [*Exhibit 2, Sheet C-3*] shows landscape planters along the south side of

the building. The plan, however, does not include the required number of trees. Based on length of the building, three (3) trees are required along this frontage. The final landscape plan shall be revised to correct this situation (*See Condition A-2-c*).

Finding 5 – Landscape Buffers

In accordance with Table 40.320.010-1, the following perimeter landscaping scheme is required for the development as proposed:

North: L1 landscaped 5-foot buffer;
East : L2 landscaped 10-foot buffer;
West: L1 landscaped 5-foot buffer;
South: L1 landscaped 5-foot buffer;

The L1 standard consists principally of groundcover plants; trees and high and low shrubs also are required. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees. Where the area to be landscaped is less than ten (10) feet deep, one (1) tree shall be provided per thirty (30) linear feet of landscaped area.

The L2 standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. A three (3) foot high masonry wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and groundcover plants are still required.

CCC 40.320.010(C)(6) specifies that required landscaping and screening shall be located on the perimeter of a parcel. The proposed landscape plan [*Exhibit 2, Sheet C3*] does not show the specified buffers placed along the north and east property lines. This situation shall be corrected on the final landscape plan (*See Condition A-2-d*).

As noted above, where the area to be landscaped is less than ten (10) feet deep the L1 standard requires that one (1) tree be provided per thirty (30) linear feet of landscaped area. Based on length of the northern and southern boundaries, five (5) trees are required in each buffer. Similarly, nine (9) trees must be planted in the buffers along the east and west property lines. The submitted landscape plan does not show the prerequisite number of trees. This deficiency shall be corrected on the final landscape plan (*See Condition A-2-e*). It should be noted that neither the arborvitae nor the laurel plantings are considered trees by the County.

The applicant shall install landscaping and the irrigation according to the approved landscape plan prior to being issued an occupancy permit for the building (*See Condition F-1*).

Finding 6 – Pedestrian Circulation

In accordance with CCC 40.230.010(D)(5)(a), a pedestrian circulation route connecting streets to the primary building entry shall be a minimum 8 feet with a minimum 3-foot wide landscape strip along one side. The minimum 3-foot landscaped area shall contain suitable tree species planted every 24 feet.

The submitted site plan [*Exhibit 2, Sheet C2A*] and landscape plan [*Exhibit 2, Sheet C3*] show the required pedestrian pathway. However, one (1) tree shall be planted between the landscape buffer on along the east property line and the building. This will be placed as a requirement for the final landscape plan (*See Condition A-2-f*).

Finding 7 – Lighting

The revised site plan [*Exhibit 14*] identifies proposed locations for lighting fixtures. The applicant has submitted preliminary lighting plans which demonstrate compliance with this requirement. To ensure ongoing compliance, a condition will be imposed that field lights do not cast significant light or glare off-site on adjacent properties, and are consistent with RCW 47.36.180 (*See Condition H-1*).

Finding 8 – Solid Waste and Recycling Standards

Per CCC 40.360.020(C)(2)(d), for buildings devoted to retail activities a minimum storage area of 10 feet, plus 10 square feet per 1,000 square feet of gross floor area shall be provided. Using this formula, a total of 79 square feet of solid waste and recycling area is required. The preliminary site plan demonstrates compliance with this standard.

Provisions of CCC 40.360.030(B)(3) require exterior storage areas to be enclosed by a screen to at least an F2 standard. A fence or wall that complies with the F2 standard shall be 6 feet high and 100% sight obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. This shall not include chain link fences with slats or similar construction.

The narrative [*Exhibit 1, Tab 6*] indicates the storage area will be screened by a 6-foot tall masonry enclosure, but the submitted plans do not include specifications on the trash enclosure. A condition will, therefore, be imposed to ensure compliance with this requirement is satisfied (*See Condition A-1-a*).

Finding 9 – Access Easements

Owners of the adjacent grocery store (Winco Foods) also own the project site. As a result, easements providing access to this parcel are currently unnecessary. The applicant, however, is under contract to purchase this property pending County approval. At such time, easements will be necessary in order for this development to have access to adjacent public roadways. The applicant will, therefore, be required to submit documentation showing said easements have been obtained (*See Condition A-1-b*).

Finding 10 – Signs

Signs are subject to provisions of Chapter 40.310. A separate sign permit application will be required prior to installation of any commercial signs on site (*See Condition G-5*).

Conclusion (Land Use): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

TRANSPORTATION:

Finding 1 – Frontage Improvements

NE Highway 99 is classified as an “Urban Principal Arterial” roadway. The required half-width improvements include 50 feet of right-of-way, 35 feet of paved width, 6-foot detached sidewalk, curb, and gutter. The current improvements exceed the minimum requirements except for the existing 5-foot attached sidewalk. The applicant has submitted a minor road modification that proposes the sidewalk be allowed to remain (*See Transportation Finding 3*).

Finding 2 – On-site Turning Movements

The applicant shall provide diagrams of on-site turning movements. The diagrams shall include turning movements within the proposed parking lot and at the proposed loading dock. The applicant shall adequately address any safety issues associated with the dock (*See Condition A-3-a*).

Finding 3 – Minor Road Modification (EVR2009-00057)

The applicant has submitted a minor road modification application to allow the existing attached 5-foot sidewalk to remain along an “Urban Principal Arterial”. The applicant indicates a new detached sidewalk would require removal of a number of trees, and that additional right-of-way dedication would be necessary.

The existing improvements meet or exceed the code requirements associated with the frontage of NE Highway 99 except for the attached sidewalk. The attached sidewalk extends for a significant distance along NE Highway. Staff believes the minor road modification request can be justified per CCC 40.550.010(D)(1) which specifies that “the existing road frontage is not constructed to the current transportation standards but determined to meet operational and safety criteria.”

Based on the above discussion, the road modification request is approved [*Exhibit 19*].

Finding 4 – Sight Distance

The applicant submitted a sight distance analysis dated July 20, 2009 that indicates sight distance standards are met with the proposal. Sight distance was evaluated at driveway approach to NE 99th Street.

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to

impede required sight distance requirements at all proposed driveway approaches. The applicant shall evaluate sight distance at the existing driveway approaches to NE Highway 99 and meet sight distance requirements at those locations (*See Condition A-3-b*).

Conclusion (Transportation): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Finding 1 – Trip Generation

The applicant has submitted a traffic study under the provisions of CCC 40.350.020 (D)(1). This study estimated the a.m. peak-hour trip generation at 16 new trips, and the p.m. peak-hour trip generation at 18 new trips. The applicant's study also estimated the average daily trip (ADT) generation at 165. These trip generations were estimated using nationally accepted data published by the *Institute of Transportation Engineers Seventh Addition*.

Finding 2 – Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant. However, the LOS analysis provides information on potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic study indicates there are currently three access locations along the development site parent parcel. Two of these locations currently operate with restricted access movements; one onto NE 99th Street to the north and the other onto NE Highway 99 to the east. The third access location is a signalized intersection with NE Highway 99. The applicant is proposing to maintain all three accesses in their current configuration.

NE 99th Street Access Location - Unsignalized

The applicant's traffic study shows that the existing north access onto NE 99th Street consists of a raised median along the frontage of the parent Winco parcel. This raised median currently restricts this shared north access to right-in/right-out turning movements only. The traffic study shows that the existing unsignalized right-in/right-out access onto NE 99th Street will maintain an estimated LOS C into the 2012 build-out

horizon. The study also shows that this LOS was evaluated in the p.m. peak hour. Staff concurs with the applicant's LOS findings.

NE Highway 99 Access Location - Unsignalized

The applicant's traffic study shows that the existing northerly access on NE Highway 99 consists of a raised median along the frontage of the proposed development on NE Highway 99. This raised median currently restricts the shared access to right-in/right-out turning movements only. The traffic study indicates that the existing unsignalized right-in/right-out intersection has very little traffic use and is not anticipated to experience level-of-service deficiencies. Staff concurs with the applicant's LOS findings.

NE Highway 99 Access Location - Signalized

The applicant's traffic study shows the existing southerly access on NE Highway 99 consists of a signal controlled intersection. This signalized intersection allows for full turning movements. The traffic study shows that the existing signalized intersection at NE Highway 99/site access will maintain an estimated LOS C into the 2012 build-out horizon. The study also shows that this LOS was evaluated in the p.m. peak hour. Staff concurs with the applicant's LOS findings.

Historical Accident Situation

The applicant's traffic study has analyzed the accident history for the southerly NE Highway 99/site access (signalized) and the northerly NE 99th Street/site access intersections. The accident history was obtained from Clark County for a 5-year period, 2004 – 2008.

The applicant's analysis concluded that the study intersections did not exceed thresholds that would warrant additional analysis. County staff agrees with the applicant's findings. Therefore, no further accident history analysis or mitigation is necessary.

Finding 3 – Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study analyzed the need for turn lanes at the site accesses on NE 99th Street and on NE Highway 99. The applicant's study concluded that turn lanes are not warranted due to good levels of service and no crash history, indicative of safety issues, at the unsignalized site access intersections. The County concurs with the applicant's findings.

Finding 4 – Concurrency Compliance

The proposed development is required to meet standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within one mile of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, have been approved, or are under construction in the vicinity of the proposed development. The traffic these

developments generate is referred to as *"in-process traffic"* and will ultimately contribute to the same roadway facilities as the proposed development. This *"in-process traffic"* is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The *"in-process traffic"* information that can be obtained from the County's transportation model is from developments that generate 10 vehicle trips or more in the PM peak hour travel time. Developments in an urban area that have fewer than 10 vehicle trips in the PM peak hour travel time do not explicitly get shown in the County's model, but, are accounted for in a *"background growth rate"* (1% per year). This *"background growth rate"* is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and out of area traffic also.

Signalized Intersections

The County's model evaluated the operating levels, travel speeds and delay times for regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds of delay in the build-out year. Therefore, County staff has determined this development will comply with adopted Concurrency standards for signalized intersections.

Unsignalized Intersections

County staff has performed an evaluation of the operating levels and delay standards represented in the County's model. The County's model consists of the study intersections of regional significance in the development area yielding operating levels and delay standards, during both the a.m. and p.m. peak hours with a LOS better than the minimum allowable LOS E for unsignalized intersections. The County has determined that this development will comply with adopted Concurrency Standards for unsignalized intersections.

Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model of the study corridors of regional significance under County jurisdiction yielded operating levels and travel speeds with an acceptable level of service.

Based on the above discussion, the County has determined this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the County for costs incurred in running the concurrency model (*See Condition A-5*).

Conclusion (Transportation Concurrency): Based upon development site characteristics, the submitted traffic study dated July 6, 2009 prepared by HDJ Design Group, PLLC, requirements of the County's transportation concurrency ordinance, and

the findings above, staff concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation concurrency ordinance [CCC 40.350.020].

STORMWATER:

Finding 1 – Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW), as modified by CCC 40.385 and the county's stormwater manual. Meeting requirements of this chapter is the joint and severable responsibility of both the owner(s) of the site on which land-disturbing activity occurs and the person(s) undertaking such activity. In addition, if the land-disturbing activity involves a county-issued permit, the applicant is also responsible for meeting the requirements of this chapter. The project replaces 5,000 square feet or more of new impervious surface and the value of the proposed improvements exceed 50% of the tax assessment valuation of the existing site improvements. Therefore, the applicant shall comply with 'Minimum Requirements' 1 through 10 for the new plus impervious surfaces per CCC 40.385.020(A)(6)(b).

Finding 2 – Stormwater Proposal

The applicant proposes to utilize an existing private wetpool that provides stormwater management for the greater developed site including Winco Foods. The applicant indicates the facility has the capacity to receive stormwater flows and volumes from the proposed developed site associated with Autozone.

Finding 3 – Site Conditions and Stormwater Issues:

Per CCC 40.385.020(C)(1)(a), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (*See Condition A-6-a*).

For stormwater facilities for which the county will not provide maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the standards in the county's Stormwater Facility Maintenance Manual pursuant to Section 13.26A.040. The responsible official shall approve such arrangements prior to county approval of the final stormwater plan (*See Condition A-6-b*).

The county shall inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. The applicant shall verify the facility is operating in the field as it was originally designed (*See Condition A-6-c*).

Easements or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection and maintenance of all privately maintained facilities (*See Condition A-6-d*).

Conclusion (Stormwater): Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, extension 4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-1*).

Finding 3 – Fire Flow

Fire flow in the amount of 2,250 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application (fire flow is based upon a 6,816 square foot. type V-B constructed building). Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 3,000 gpm. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction (*See Condition E-2*).

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated new and existing fire hydrants are adequate. The local fire district chief, however, approves the exact location of fire hydrants. The applicant shall contact Fire District 6 at (360) 576-1195 to arrange for approval of hydrant location (*See Condition A-8-a*).

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection (*See Condition A-8-b*). In addition, the applicant shall provide and maintain a three-foot clear space around the circumference of all fire hydrants (*See Condition A-8-c*).

Finding 5 – Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access.

Finding 6 – Alarm System

An approved fire alarm system is required at the time of construction for buildings subject to this application. Such systems require separate review, permits and approvals issued by the fire marshal's office (*See Condition E-3*).

Conclusion (Fire Protection): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets fire protection requirements of the Clark County Code.

UTILITIES

Finding 1 – Water and Sewer

The proposed development is required to connect to both public water and public sanitary sewer. The site will be served Clark Public Utilities for water while Clark Regional Wastewater District will provide sanitary sewer service. The applicant has submitted a current utility review from these agencies confirming that services are available to the site.

Prior to occupancy, the applicant will be required to document that service connections to the building have been approved by the purveyors (*See Condition F-2*).

Finding 2 – Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. (*See Condition A-9*).

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 1 – Traffic Impact Fees

The proposed development will have an impact on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 and 40.620. The site is located within the Hazel Dell TIF Sub-area with a fee rate of \$451.00 per new trip.

To estimate the trip generation of the proposed development, the applicant's traffic study... The adjusted trip rates for the proposed uses are as follows:

- 61.91 per 1,000 sq ft – Auto Parts Store

TIF is calculated as follows, where:

F = Fee rate

T = adjusted daily trips

A = 15% reduction adjustment for future tax revenues

BEF = Business Enhancement Factor

PB = Pass-by factor

$$\text{TIF} = F \times T \times A \times \text{BEF} \times \text{PB}$$

$$\text{TIF} = \$64,544.43 \text{ (6,816 square feet Auto Parts Store)}$$

$$\text{TIF} = F \times T \times A \times \text{BEF} \times \text{PB}$$

$$\text{TIF} = -\$19,383.24 \text{ (Gas Fueling Facility)}$$

Net TIF Payable = \$45,159.19 (Local – \$21,224.82; Regional – \$23,934.37)

TIF is payable prior to issuance of building permits. However, if the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate (*See Condition E-4*).

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- **MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval); or,**
- **DNS = Determination of Non-Significance (The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on October 21, 2009 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

Staff Contact Person: Vicki Kirsher, Planner, (360) 397-2375, ext. 4178
Travis Goddard, Team Leader, (360) 397-2375, ext. 4180

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the proposed plan [Exhibit 2, Sheet C2A], and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction/Site Plan Review **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Site Plan** - The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.320.040 and the following conditions of approval:
- a. Plans showing sufficient detail to determine compliance with the requirement that the exterior storage area be enclosed by a screen to at least an F2 standard for the trash enclosure shall be submitted. (*See Land Use Finding 8*)
 - b. Prior to final site plan approval, the applicant shall submit documentation demonstrating access easements have been obtained across the adjacent Winco Foods property. (*See Land Use Finding 9*)
 - c. Archaeology - A note shall be placed on the face of the final construction plans as follows:
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- A-2 Final Landscape Plan** - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below:
- a. In accordance with CCC 40.320.010(D)(2), all ground-level exterior equipment shall be screened from an abutting property or public road right-

of-way to at least an F2 or L3 standards if visible at grade from the property or right-of-way. (See *Land Use Finding 4*)

- b. The final landscape shall clearly show that at least one (1) tree is planted in each landscape island as required by CCC 40.320.010(E)(4). (See *Land use Finding 4*)
- c. The final landscape plan shall show three (3) trees planted in along the south side of the building where primary pedestrian access is provided. (See *Land Use Finding 4*)
- d. The northerly and easterly landscape buffers shall be relocated to the perimeter of the development site as required by CCC 40.320.010(C)(6). (See *Land Use Finding 5*)
- e. To meet landscape buffer standards established in Table 40.320.010-1, the landscape plan shall be revised to show five (5) trees planted in the buffers along the northern and southern site boundaries. Nine (9) trees must be planed the buffers along the east and west property lines. (See *Land Use Finding 5*)
- f. One (1) tree shall be planted along the pedestrian pathway between the landscape buffer adjacent to the east property line and the building. (See *Land use Finding 6*)

A-3 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall provide diagrams of on-site turning movements. The diagrams shall include turning movements within the proposed parking lot and at the proposed loading dock. The applicant shall adequately address any safety issues associated with the dock. (See *Transportation Finding 2*)
- b. The applicant shall evaluate sight distance at the existing driveway approaches to NE Highway 99 and meet sight distance requirements at those locations. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches. (See *Transportation Finding 4*)

A-4 Transportation:

- a. Traffic Control Plan - Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

- A-5 Final Transportation Plan/Off Site (Concurrency):** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000. *(See Concurrency Finding 4)*
- A-6 Final Stormwater Plan -** The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:
- a. Per CCC 40.385.020(C) (1)(a), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. *(See Stormwater Finding 2)*
 - b. For stormwater facilities for which the county will not provide maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the standards in the county's Stormwater Facility Maintenance Manual pursuant to Section 13.26A.040. The responsible official shall approve such arrangements prior to county approval of the final stormwater plan. *(See Stormwater Finding 2)*
 - c. The applicant shall verify the facility is operating in the field as it was originally designed. *(See Stormwater Finding 2)*
 - d. Easements or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection and maintenance of all privately maintained facilities. *(See Stormwater Finding 2)*
- A-7 Erosion Control Plan:** The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- A-8 Fire Marshal Requirements:**
- a. Contact Fire District 6 at 360-576-1195 to arrange approval for exact location of fire hydrants. *(See Fire Protection Finding 4)*
 - b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. *(See Fire Protection Finding 4)*
 - c. The applicant shall provide and maintain a three-foot clear space around the circumference of every fire hydrant. *(See Fire Protection Finding 4)*
- A-9 Health Department Review:** Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities

must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (See *Utilities Finding 2*)

A-10 Other Documents Required - The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

(Example: Deed dedicating required right-of-way)

A-11 Excavation and Grading: Excavation/grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control:** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control:** Erosion control facilities shall not be removed without County approval.

- B-4 Contamination:** If during the course of construction activities on the site contamination is discovered, it shall be reported to the Washington Department of Ecology. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300 for more information.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1 None**

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Not Applicable**

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Fire Marshal:** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. *(See Fire Protection Finding 2)*
- E-2 Fire Marshal:** Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. *(See Fire Protection Finding 3)*
- E-3 Fire Marshal:** An approved fire alarm system is required at the time of construction for the proposed building. Such systems require separate review, permits and approvals issued by the fire marshal's office. *(See Fire Protection Finding 6)*
- E-4 Impact Fees:** Prior to issuance of a building permit, the applicant shall pay Traffic Impact fees to the Clark County Building Department in the amount of \$45,159.19 (Local – \$21,224.82; Regional – \$23,934.37).

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. *(See Impact Fee Finding 1)*

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Landscaping:** Prior to the issuance of an approval of occupancy for final site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. *(See Land Use Finding 5)*
- F-2 Utilities:** Prior to occupancy, the applicant shall provide documentation that water and sanitary sewer service connections to the building have been approved by the respective purveyor. *(See Utilities Finding1)*

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- G-1 Site Plans and Other Land Use Approvals:** Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater -** A permit from the Department of Ecology (DOE) is required If:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
 - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

- G-3 Building and Fire Safety:** Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

G-4 Building Elevation Approvals: Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

G-5 Signs: A sign permit will be required prior to installation of any commercial signs on the site. (See *Land Use Finding 10*)

H	Post Development Requirements Review & Approval Authority: On-going
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H-1 Outdoor Lighting: Exterior lighting shall be continually located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180. (See *Land Use Finding 7*)

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on December 30, 2009. Therefore any appeal must be received in this office by 12:00 p.m. (noon) on January 13, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

The decision of the Hearing Examiner is final unless there is:

- A motion filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal filed with Clark County Superior Court.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

